

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

1. JUAN RIVERA,  
a/k/a "Pedro,"
2. ALEXANDER GONZALEZ,  
a/k/a "Luis,"

Defendants.

) Criminal Number: *04-10271-PBS*  
)  
) Violations:  
)  
) 21 U.S.C. § 846 -  
) Conspiracy to Possess with  
) Intent to Distribute and to  
) Distribute Heroin  
)  
) 21 U.S.C. § 841(a)(1)-  
) Distribution of Heroin  
)  
) 18 U.S.C. § 2 -  
) Aiding and Abetting  
)  
) 21 U.S.C. § 853 -  
) Criminal Forfeiture  
Allegation

**INDICTMENT**

COUNT ONE: (Title 21, United States Code, Section 846 --  
Conspiracy to Possess With Intent to Distribute  
and to Distribute Heroin)

The Grand Jury charges that:

From a time unknown to the Grand Jury, but from at least in or  
about April, 2004 and continuing until on or about July 15, 2004 at  
Boston, Hyannis and elsewhere in the District of Massachusetts,

- (1) JUAN RIVERA, a/k/a "PEDRO", and
- (2) ALEXANDER GONZALEZ, a/k/a "LUIS"

defendants herein, did knowingly and intentionally combine,  
conspire, confederate and agree with each other and with others  
known and unknown to the Grand Jury to possess with intent to  
distribute, and to distribute, heroin, a Schedule I controlled

substance, in violation of Title 21, United States Code, Section 841(a)(1).

The Grand Jury further charges that the conspiracy charged in Count One involved 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) applies to this Count.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (Title 21, United States Code § 841(a)(1) - Possession With Intent To Distribute, And Distribution Of, Heroin; 18 U.S.C. §2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about May 10, 2004, at Boston, in the District of Massachusetts,

- (1) JUAN RIVERA, a/k/a "PEDRO", and
- (2) ALEXANDER GONZALEZ, a/k/a "LUIS"

defendants herein, did knowingly and intentionally possess with intent to distribute, and did distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

**COUNT THREE: (Title 21, United States Code § 841(a)(1) - Possession With Intent To Distribute, And Distribution Of, Heroin; 18 U.S.C.)**

The Grand Jury further charges that:

On or about May 17, 2004, at Boston, in the District of Massachusetts,

**(1) JUAN RIVERA, a/k/a "PEDRO"**

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR: (Title 21, United States Code § 841(a)(1) -  
Possession With Intent To Distribute, And  
Distribution Of, Heroin)

The Grand Jury further charges that:

On or about June 9, 2004, at Boston, in the District of  
Massachusetts,

(1) JUAN RIVERA, a/k/a "PEDRO"

defendant herein, did knowingly and intentionally possess with  
intent to distribute, and did distribute heroin, a Schedule I  
controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1).

**COUNT FIVE: (Title 21, United States Code § 841(a)(1) - Possession With Intent To Distribute, And Distribution Of, Heroin)**

The Grand Jury further charges that:

On or about June 23, 2004, at Boston, in the District of Massachusetts,

**(1) JUAN RIVERA, a/k/a "PEDRO"**

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX: (Title 21, United States Code § 841(a)(1) - Possession With Intent To Distribute, And Distribution Of, Heroin; 18 U.S.C. §2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about July 15, 2004, at Hyannis, in the District of Massachusetts,

(1) JUAN RIVERA, a/k/a "PEDRO", and  
(2) ALEXANDER GONZALEZ, a/k/a "LUIS"

defendants herein, did knowingly and intentionally possess with intent to distribute, and did distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

**NOTICE OF ADDITIONAL FACTORS**

The Grand Jury further finds that:

1. The defendant JUAN RIVERA, a/k/a "PEDRO" is accountable for at least 100 grams, but less than 400 grams, of heroin. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.

2. The defendant JUAN RIVERA, a/k/a "PEDRO" at the time he committed the offense charged in this count of the Indictment, the defendant was at least eighteen years old and had two or more prior felony convictions of either a crime of violence or a controlled substance offense. Accordingly, U.S.S.G. §§ 4B1.1 & 4B1.2 apply to this defendant.

3. The defendant ALEXANDER GONZALEZ, a/k/a "LUIS" is accountable for at least 100 grams, but less than 400 grams, of heroin. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.



**CRIMINAL FORFEITURE ALLEGATION**  
**(21 U.S.C. § 853)**

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One, Two, Three, Four, Five, and Six

(1) JUAN RIVERA, a/k/a "PEDRO", and  
(2) ALEXANDER GONZALEZ, a/k/a "LUIS"

defendants herein, shall forfeit to the United States for its use and benefit any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses. Such property includes, but is not limited to:

- a. \$4,800 in United States currency exchanged for heroin on May 10, 2004;
- b. \$4,800 in United States currency exchanged for heroin on May 17, 2004;
- c. \$2,000 in United States currency exchanged for heroin on June 9, 2004; and
- d. \$4,000 in United States currency exchanged for heroin on June 23, 2004.

2. If any of the forfeitable property described in paragraph 1 above, as a result of any act or omission of the defendant -

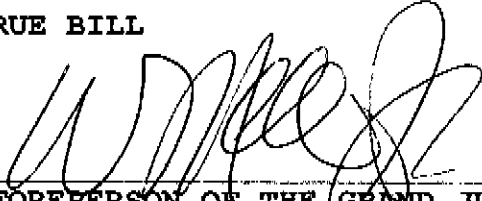
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;

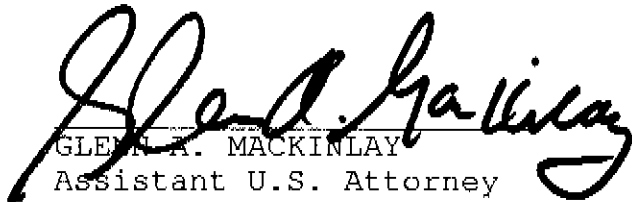
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1 of this paragraph.

All in violation of Title 21, United States Code, Section 853.

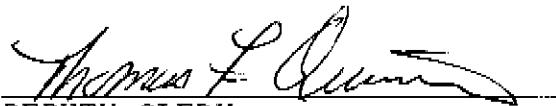
A TRUE BILL

  
FOREPERSON OF THE GRAND JURY

  
GLEN A. MACKINLAY  
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS; September, 2 2004.

Returned into the District Court by the Grand Jurors  
and filed.

  
DEPUTY CLERK

4:20pm

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: Boston / Hyannis Category No. II Investigating Agency DEACity Boston / Hyannis Related Case Information:County Suffolk / Barnstable Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number 04-M-861-MBB  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Juan Rivera Juvenile ☐ Yes ☒ NoAlias Name PedroAddress 9 Dane Street, Everett, MABirth date (Year only): 1973 SSN (last 4 #): 8181 Sex m Race: Hispanic Nationality: USDefense Counsel if known: Paul Garrity Address: 14 Londonderry Rd.  
Londonderry, N.H.

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Glenn A. MacKinlay Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested☐ Regular Process☒ In Custody**Location Status:**Arrest Date: 7/15/04☒ Already in Federal Custody as 7/16/04 in Plymouth County H.O.C.☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 6

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 9/2/04Signature of AUSA: Glenn A. MacKinlay

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Juan Rivera

U.S.C. Citations			
	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. 846</u>	<u>Conspiracy to Distribute Heroin</u>	<u>1</u>
Set 2	<u>21 U.S.C. 841(a)</u>	<u>Distribution of Heroin</u>	<u>2-6</u>
Set 3	<u>21 U.S.C. 853</u>	<u>Criminal Forfeiture Allegation</u>	
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: Boston / Hyannis Category No. II Investigating Agency DEACity Boston / Hyannis Related Case Information:County Suffolk / Barnstable Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number 04-M-861-MBB  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Alexander Gonzalez Juvenile ☐ Yes ☒ NoAlias Name LuisAddress 136 Seaver Street, Dorchester, MABirth date (Year only): 1981 SSN (last 4 #): 0482 Sex M Race: Hispanic Nationality: USDefense Counsel if known: Charles McGinty Address: Federal Defender's Office

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Glenn A. MacKinlay Bar Number if applicable \_\_\_\_\_Interpreter: ☒ Yes ☐ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested☐ Regular Process☒ In Custody**Location Status:**Arrest Date: 7/15/04☒ Already in Federal Custody as 7/16/04 in Plymouth County H.O.C.☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 9/2/04 Signature of AUSA: Glenn A. MacKinlay

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Alexander Gonzalez

U.S.C. Citations		
<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>21 U.S.C. 846</u>	<u>Conspiracy to Distribute Heroin</u>	<u>1</u>
Set 2 <u>21 U.S.C. 841(a); and 2</u>	<u>Aiding and Abetting in Distribution of Heroin</u>	<u>2, 6</u>
Set 3 <u>21 U.S.C. 853</u>	<u>Criminal Forfeiture Allegation</u>	
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION: